Remarks

Claims 1-17 and 74 are currently pending for the Examiner's review and consideration.

Rejections Under 35 U.S.C. § 102(e)

Claims 1-7, 11-13, and 15-17 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub. No. 2003/0138679 to Prased *et al.*, heretofore Prased.

In the Amendment filed on August 1, 2006, claim 1 was amended to focus on the novel limitation in the present invention that the hydrogen gas passes from the reactant compartment, which is the compartment downstream from the reaction chamber, where the reaction occurred, to the fuel cell. As amended, claim 1 recites:

> A fuel supply containing a fuel for use by a fuel cell comprising:
> an outer casing encasing a fuel compartment containing the fuel, a reactant compartment and a reaction chamber;
> wherein the fuel is transported to the reaction chamber and reacts to form reactants comprising hydrogen gas and liquid reactant, and thereafter the reactants are transported to the reactant compartment; and
> wherein the hydrogen gas passes from the reactant compartment to the fuel cell.

Despite the amended language, the Examiner still maintains that Prased anticipates independent claim 1. Particularly, on page 2 of the Office Action dated September 7, 2006, the Examiner states

> [I]n the Prased reference figure 1 reads on instant claim 1 as such, fuel reservoir is 102, reaction chamber is in and around 128 and reactant compartment is 104 and all of said structural features meet the broadness in scope as recited in claim 1 and therefore the rejections under 35 USC 102(e) will be maintained.

(emphasis added).

The Applicants respectfully disagree with the Examiner's rejection. Independent claim 1 provides that a reaction to create (i) hydrogen gas and (ii) a liquid byproduct occurs in the reaction chamber (22), and thereafter both the reactants are transported to the reactant compartment (16), and thereafter the hydrogen gas passes from this reactant compartment (16) to the fuel cell. By contrast, in Prased, the separation of hydrogen and liquid byproduct occurs in the reaction chamber (104), not in the reactant compartment as claimed in the present invention.

The metes and bounds of Applicants' claim 1 are illustrated in, but not limited to, Applicants' FIG. 1 below. As recited in claim 1, and illustrated in FIG. 1, the fuel reacts to create hydrogen and liquid reactants in reaction chamber 22, and the hydrogen gas does not pass to the fuel cell until it has entered reactant chamber 16

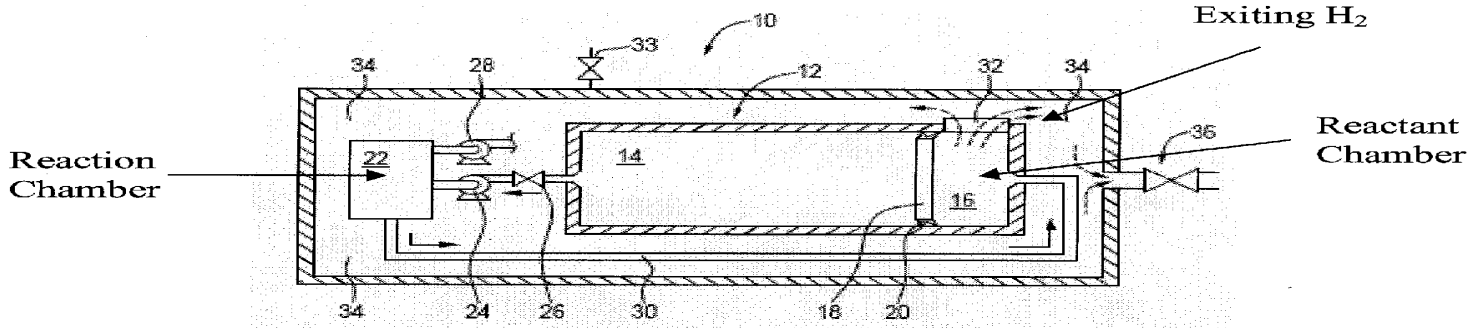
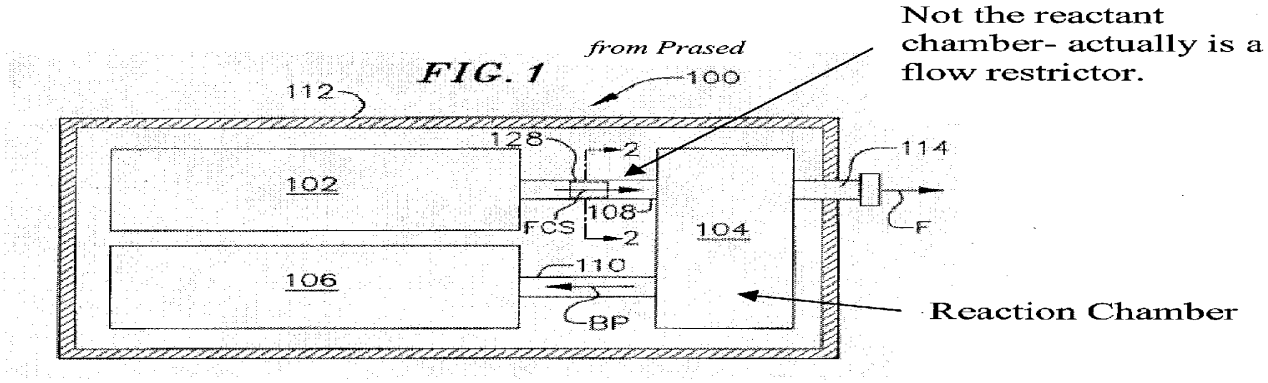


FIG. 1

In contrast to Applicant's claim 1, Prased does not teach a fuel supply wherein the hydrogen gas passes from the reactant compartment to the fuel cell. Specifically, as shown below in Prased's FIG. 1, hydrogen fuel F exits the fuel cartridge directly from reaction chamber 104 via outlet connector 114. Devoid of hydrogen, byproduct BP is then carried via outlet line 110 into bi-product reservoir 106. Thus, the separation of hydrogen and liquid byproduct in Prased occurs in the reaction chamber.



Applicants also note that the Examiner misconstrues the various structures in Prased. The reaction chamber is not "in and around 128," as alleged by the Examiner. Rather, reference numeral 128 indicates a porous, passive structure that "in the absence of a predetermined threshold pressure gradient across the structure will prevent the fuel containing substance from coming into contact with the catalyst." Prased application, paragraph [0031]. In other words, the porous passive structure 128 is a flow restrictor, which requires a certain amount of pressure gradient to push liquid through. The reaction chamber is the structure indicated by reference numeral 104, which the Examiner mistakenly takes to be the reactant compartment. *See* Prased application, paragraph [0023].

In no way does the Prased application disclose a reactant compartment wherein hydrogen gas passes to the fuel cell. Therefore, the Prased application cannot anticipate independent claims 1 as amended. As such, independent claim 1 is patentable over the Prased application

Hence, Applicants respectfully submit that the anticipation rejection of claim 1 be withdrawn. Claims 2-17 and 74 depend from allowable claim 1, and recite further limitations therefrom. Hence, these claims are allowable based on their dependency from allowable claim 1. Applicants reserve the right to support the patentability of these dependent claims should that become necessary.

Rejection under 35 U.S.C. § 103(a)

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Prased in view of Applicants' admitted prior art (APAA). On page 4 of the Office Action, the Examiner asserts that Prased teaches everything as addressed in the 102(e) rejection. The Examiner further asserts that the APAA teaches methanol as a common fuel cell fuel, and that it would have been obvious at the time of the invention to a person of ordinary skill in the art to combine the teachings of Prased and APAA to provide methanol for use as a fuel.

However, as discussed above, Prased does not teach or suggest that the hydrogen gas and liquid reactant separate in the reactant compartment, as claimed in claim 1 of the present invention. Furthermore, nothing in APAA teaches or suggests this limitation. Because claim 14

depends from patentable claim 1 and adds the additional limitation of using methanol as a fuel, it is patentable over the prior art, and Applicants respectfully request withdrawal of the rejection of claim 14.

Claim Objections

Claims 8-10 stand as objected to as being dependent on a rejected base claim, but would be allowable if written in independent form. Because claims 8-10 depend on patentable claim 1, Applicants respectfully request the withdrawal of the objection to claims 8-10.

CONCLUSION

In light of the preceding, Applicants respectfully submit that the presently pending claims are in condition for allowance, early notice of which would be greatly appreciated. The Examiner is invited to telephone the undersigned attorney of record if it is believed that such a call would materially advance the prosecution and eventual allowance of the present application.

A fee of $790 is due for the attached Request for Continued Examination. Applicants believe that no other fees are due in connection with the submission of this Response. If any fees are due, however, Applicants hereby authorize the Commissioner to charge the appropriate fees to The H.T. Than Law Group, Deposit Account No. 50-1980.

Respectfully submitted,

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Attachments:
Request for Continued Examination Transmittal Form (SB-30)